

1
2 BILL NO. G-95-10-05
3

4 GENERAL ORDINANCE NO. G-31-95
5

6 AN ORDINANCE for the purpose of
7 vacating dedicated utility easements.
8

9 WHEREAS, a petition to vacate a dedicated utility easements within the City of
10 Fort Wayne (as more specifically described below) was duly filed with the City Planning
11 Commission; and

12 WHEREAS, said Commission duly held a public hearing thereon; and

13 WHEREAS, said Commission has duly forwarded its recommendation to this body
14 approving said petition, and this body having held a public hearing on said vacation as
15 provided in I.C. 36-7-3-12; and

16 WHEREAS, this body concurs in the recommendation of the City Planning
17 Commission.

18 NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE
19 CITY OF FORT WAYNE, INDIANA:

20 SECTION 1. That the petition filed herein to vacate a dedicated utility easements
21 within the City of Fort Wayne, more specifically described as follows, to-wit:

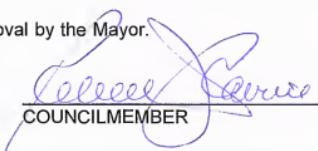
22 The vacation of eight (8) easements in the plat of Tamera Place, recorded in plat
23 book 42, pages 9-12, and vacated in general ordinance G-16-88:

- 24 1. The 14-foot wide utility easement between Lots #7 and #8, except the
25 Easterly 14 feet thereof;
2. The 6-foot wide street light easement between Lots #8 and #9, except the
Easterly 14 feet thereof;
3. The 6-foot wide street light easement between Lots #10 and #11, except
the Southerly 15 feet thereof;
4. The 6-foot wide street light easement between Lots #12 and #13, except
the Southerly 15 feet thereof;
5. The utility easement between Lots #15 and #16, except the Northerly 7
feet thereof;
6. The 15-foot wide sewer easement along the Easterly line of Lot #17,
except the Northerly 7 feet thereof;
7. The 15-foot sewer easement along the frontage of Lots #9, #10, #11, #12,
#13, and #14;
8. The 14-foot wide utility easement along the West line of Lot #14, except
the Southerly 15 feet and except the Northerly 35 feet thereof;

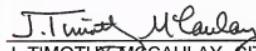
Also the vacation of the 15-foot wide storm drain easement as recorded in Document #93-27169, except the Southerly 15 feet, thereof and except the Northerly 35 feet thereof.

and which vacating allows the dedicated utility easements to revert to the ownership of the adjacent property owners.

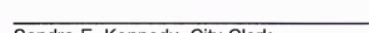
SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, any and all necessary approval by the Mayor.


COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY:


J. TIMOTHY McCAULAY, CITY ATTORNEY

** Public hearing to be held on _____,
the _____ day of _____, 1995,
in the Council Chambers.


Sandra E. Kennedy, City Clerk

Read the first time in full and on motion by Bonne and duly adopted read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on 19 the 19 day of December o'clock

M., E.S.T.

DATED: 10-10-95

Sandra E. Kennedy

SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bonne and duly adopted, placed on its passage. PASSED LOST by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>8</u>			<u>1</u>
BRADBURY	<u>✓</u>			
EDMONDS	<u>✓</u>			
GiaQUINTA	<u>✓</u>			
HENRY				<u>✓</u>
LONG	<u>✓</u>			
LUNSEY	<u>✓</u>			
RAVINE	<u>✓</u>			
SCHMIDT	<u>✓</u>			
TALARICO	<u>✓</u>			

DATED: 12-19-95

Sandra E. Kennedy

SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)

(SPECIAL) (ZONING) ORDINANCE RESOLUTION NO. 31-95
on the 19 th day of December, 19 95

ATTEST:

Sandra E. Kennedy

SANDRA E. KENNEDY, CITY CLERK

(SEAL)

Don J. Schmidt

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 20 th day of December, 19 95, at the hour of 3:00 o'clock P, M., E.S.T.

Sandra E. Kennedy

SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 20 day of December, 19 95, at the hour of 3:30 o'clock P, M., E.S.T.

Paul Helmke
PAUL HELMKE, MAYOR

BILL NO. G-95-10-05

REPORT OF THE COMMITTEE ON
REGULATIONS

CLETUS R. EDMONDS - REBECCA J. RAVINE - CO-CHAIR
ALL COUNCIL MEMBERS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS
REFERRED AN (ORDINANCE) (RESOLUTION) for the purpose of vacating
dedicated utility easements

HAVE HAD SAID (ORDINANCE) (RESOLUTION) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (RESOLUTION)

DO PASS DO NOT PASS ABSTAIN NO REC

<u>Cletus R. Edmonds</u>	_____	_____	_____
<u>Rebecca Javine</u>	_____	_____	_____
<u>Sigmund J. Gallegos</u>	_____	_____	_____
<u>Mark C. Chacunda</u>	_____	_____	_____
<u>Janet G. Bradbury</u>	_____	_____	_____
<u>David G. Schmid</u>	_____	_____	_____
<u>Rebecca Javine</u>	_____	_____	_____

DATED: 12-19-95

Sandra E. Kennedy
City Clerk

COMMUNITY & ECONOMIC DEVELOPMENT

FT. WAYNE, IN.,

9-18

RECEIVED FROM

THE SUM OF

ON ACCOUNT OF

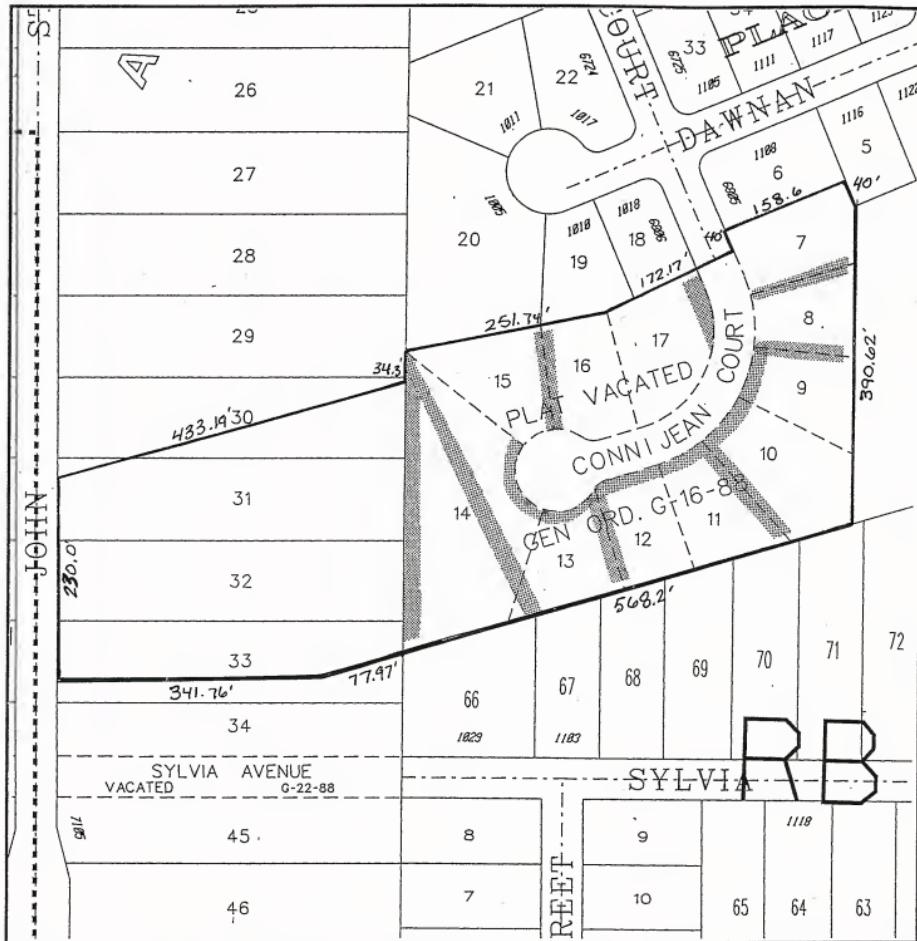
6110

PAID BY: CASH CHECK M.O.

VACATION PETITION

AREA MAP

CASE NO. #598



COUNCILMANIC DISTRICT NO. 3

Map No. O - 27
LW 9-22-95

R1	One-Family	B1	Limited Business	M1	Light Industrial
R2	Two-Family	B2	Planned Shopping Center	M2	General Industrial
R3	Multi-Family	B3	General Business	M3	Heavy Industrial
RA/RB	Residential	B4	Roadside Business	MHP	Mobile Home Park
PUD	Planned Unit Dev.	POD	Professional Office District		



Vacation Petition

Community & Economic Development / 1 Main Street Rm. 830
Fort Wayne, IN 46802 / (219) 427-1140

#598
I/We do hereby petition to vacate the following:

Plat or portion of plat Easements Public Right-of-Way (street or alley)

More particularly described as follows:

Easements previously dedicated to serve lots #7-#17 of Tamera Place subdivision

which lots were vacated by general ordinance No. G - 16 - 88

See attached legal descriptions.

(Please attach a legal description of the property)

The reasons for the proposed vacation are as follows:

For the development of a project known as Tamera Gardens.

(If additional space is needed please attach a separate page)

Property owner(s) name(s): Gene Keller & Sons, Inc. (As owner of the entire area vacated as lots #7-#17 of Tamera Place and that part Home Gardens Addition abutting same.)

Street Address: 7015 John St.

City: Fort Wayne State: IN Zip: 46816 Phone: 219- 447-2311

(If additional space is needed please attach a separate page)

Applicants Name (if different from above): Same

Street Address: _____

City: _____ State: _____ Zip: _____ Phone: _____

I/We, your petitioners, file this petition pursuant to the authority granted in Indiana Code, and provisions of local ordinance. I/We agree to abide by all provisions of the Fort Wayne Zoning Ordinance and/or Subdivision Control Ordinance, as well as all procedures and policies of the Fort Wayne City Plan Commission as those provisions, and policies relate to the handling and disposition of this petition. I/We also certify that this information is true and accurate to the best of my/our knowledge.

Edward E. Keller Jr.
Signature

EDWARD E. KELLER JR.

9-14-95

Printed Name

Date

PRESIDENT

GENE KELLER & SONS, INC.

7015 John St.

Address

Fort Wayne, Indiana 46816

City/state/zip

Signature

Printed Name

Date

Address

City/state/zip

The vacation of eight easements in the plat of Tamera Place, recorded in plat book 42, pages 9-12, and vacated in general ordinance G-16-88:

1. The 14-foot wide utility easement between Lots #7 and #8, except the Easterly 14 feet thereof;
2. The 6-foot wide street light easement between Lots #8 and #9, except the Easterly 14 feet thereof;
3. The 6-foot wide street light easement between Lots #10 and #11, except the Southerly 15 feet thereof;
4. The 6-foot wide street light easement between Lots #12 and #13, except the Southerly 15 feet thereof;
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6. The 15-foot wide sewer easement along the Easterly line of Lot #17, except the Northerly 7 feet thereof;
7. The 15-foot sewer easement along the frontage of Lots #9, #10, #11, #12, #13, and #14;
8. The 14-foot wide utility easement along the West line of Lot #14, except the Southerly 15 feet and except the Northerly 35 feet thereof.

Also the vacation of the 15-foot wide storm drain easement as recorded in Document #93-27169, except the Southerly 15 feet, thereof and except the Northerly 35 feet thereof.

RESOLUTION 82-97-9

WHEREAS, GENE KELLER & SONS, INC., has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated utility easements situated in Fort Wayne, Allen County, to-wit:

The vacation of eight (8) easements in the plat of Tamera Place, recorded in plat book 42, pages 9-12, and vacated in general ordinance G-16-88:

1. The 14-foot wide utility easement between Lots #7 and #8, except the Easterly 14 feet thereof;
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Also the vacation of the 15-foot wide storm drain easement as recorded in Document #93-27169, except the Southerly 15 feet, thereof and except the Northerly 35 feet thereof.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-3-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of dedicated utility easements has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said dedicated utility easements hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said dedicated utility easements hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of dedicated utility easements or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA)

) SS:

COUNTY OF ALLEN)

I, Linda Buskirk, Director of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution

adopted by the Fort Wayne Board of Public Works at their meeting held
WED, NOV 8 1995 and as same appears of record in the
official records of the Board of Public Works.

DATED THIS 8 DAY OF Nov. 1995

FORT WAYNE BOARD OF PUBLIC WORKS

Linda Buskirk
Linda Buskirk

Chairman, Board of Public Works

C. James Owen
C. James Owen
Member, Board of Public Works

Terrance P. McCaffrey
Member, Board of Public Works

RESOLUTION

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The vacation of eight (8) easements in the plat of Tamera Place, recorded in plat book 42, pages 9-12, and vacated in general ordinance G-16-88:

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Also the vacation of the 15-foot wide storm drain easement as recorded in Document #93-27169, except the Southerly 15 feet, thereof and except the Northerly 35 feet thereof.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-3-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said public hearing was held on October 16, 1995 at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said dedicated utility easements.

WHEREAS, said vacation of dedicated utility easements has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated utility easements hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated utility easements hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said dedicated utility easements or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said dedicated utility easements in Allen County, Indiana.

STATE OF INDIANA)

) SS:

COUNTY OF ALLEN)

I, Carol Kettler Sharp, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held, 23 October 1995 and as the same appears of record in the official records of said Plan Commission.

DATED THIS 15 DAY OF November 1995

FORT WAYNE CITY PLAN COMMISSION

Carol Kettler Sharp

Carol Kettler Sharp
Secretary

FACT SHEET

G-95-10-05

BILL NUMBER

Division of Community
Development & Planning

BRIEF TITLE	APPROVAL DEADLINE	REASON
Utility Easement Vacation Ordinance		

DETAILS	POSITIONS	RECOMMENDATIONS
Specific Location and/or Address Easements are located within the Tamera Gardens development.	Sponsor	City Plan Commission
Reason for Project To clear up a potential problem with development of the Tamera Gardens project.	Area Affected	City Wide Other Areas
Discussion (Including relationship to other Council actions) <u>16 October 1995 - Public Hearing</u> Tim Ochs, attorney for the petitioner, appeared before the Commission. Mr. Ochs stated that to understand the request a brief history of the project was necessary. In 1987 the petitioners vacated the portion of the plat that was to be redeveloped into Tamera Gardens. That vacation only extended to the lot lines and the street. The final plan for Tamera Gardens was approved in 1992. So far the project has not actually started construction. In final preparation for the start of construction it was discovered that certain internal utility easements had not been vacated. Some of the proposed buildings will be developed over, or will encroach into these easements. He stated that the only property owner abutting these easements is the petitioner, who owns all of the ground previously contained within Lot 7 through 17 in Tamera Place and that part of Home Gardens Addition that abuts the site. He stated that the petitioner is willing to grant easements as required by the engineering departments. He stated that they have also contacted the private utilities and they have "orally" indicated that they	Applicants/ Proponents Opponents Staff Recommendation Board or Commission Recommendation	Applicant(s) Gene Keller & Sons, Inc. City Department Other Groups or Individuals Basis of Opposition <input checked="" type="checkbox"/> For <input type="checkbox"/> Against Reason Against <input checked="" type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For with revisions to conditions (See Details column for conditions)
CITY COUNCIL ACTIONS (For Council use only)		<input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass

DETAILS

have no problem with the vacation.

There was no one else present who spoke in favor of or in opposition to the proposed vacation.

23 October 1995 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation, contingent upon the petitioner providing utility easements or relocations as needed.

Of the nine (9) members present, eight (8) voted in favor of the motion, the Chair did not vote. Motion carried.

Members Present: Linda Buskirk, Ernest Evans, James Hoch, Thomas Quirk, Dave Ross, Donald Schmidt, Carol Kettler Sharp, Mel Smith, Vicky VerPlanck

POLICY/PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No	<input type="checkbox"/> Yes
Operational Impact Assessment		

(This space for further discussion)

Project Start

Date 18 September 1995

Projected Completion or Occupancy

Date 15 November 1995

Fact Sheet Prepared by
Patricia Biancaniello

Date 15 November 1995

Reviewed by

Date

26 November 1995

Reference or Case Number

~~ORIGINAL~~~~ORIGINAL~~

DIGEST SHEET

TITLE OF ORDINANCE Utility Easement Vacation Ordinance

DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&ED

SYNOPSIS OF ORDINANCE Easements previously dedicated to serve Lots #7-#17 in Tamera Place Subdivision.

6-95-10-05

EFFECT OF PASSAGE Property is currently dedicated for use as easements. Property will be vacated and revert to the use of the adjacent property owner.

EFFECT OF NON-PASSAGE Property will remain dedicated for use as utility easements.

MONEY INVOLVED (Direct Costs, Expenditures, Savings)

(ASSIGN TO COMMITTEE)



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ROOM 122 • FORT WAYNE, INDIANA 46802 • 219-427-1221

SANDRA E. KENNEDY, CITY CLERK

November 29, 1995

Ms. Connie Lambert
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, IN 46802

Dear Ms. Lambert:

Please give the attached full coverage on the date of December 2, 1995, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council
of Fort Wayne, IN

Bill No. G-95-10-05
Utility Easement Vacation Ordinance

Bill No. G-95-05-05
Street Vacation Ordinance

Please send us 3 copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely yours,

Sandra E. Kennedy
Sandra E. Kennedy
City Clerk

SEK/ne
ENCL: 2

NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
(BILL NO. G-95-10-05)

NOTICE IS HEREBY GIVEN THAT THE FORT WAYNE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, WILL CONDUCT A PUBLIC HEARING ON TUESDAY, DECEMBER 19, 1995 AT 5:30 P.M., (EST) IN THE COMMON COUNCIL CONFERENCE ROOM 128, CITY-COUNTY BUILDING, ONE MAIN STREET, FORT WAYNE, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

21 The vacation of eight (8) easements in the plat of Tamera Place, recorded in plat
22 book 42, pages 9-12, and vacated in general ordinance G-16-88:

23 1. The 14-foot wide utility easement between Lots #7 and #8, except the
24 Easterly 14 feet thereof;

25 2. The 6-foot wide street light easement between Lots #8 and #9, except the
26 Easterly 14 feet thereof;

27 3. The 6-foot wide street light easement between Lots #10 and #11, except the
28 the Southerly 15 feet thereof;

29 4. The 6-foot wide street light easement between Lots #12 and #13, except the
30 the Southerly 15 feet thereof;

31 5. The utility easement between Lots #15 and #16, except the Northerly 7
32 feet thereof;

33 6. The 15-foot wide sewer easement along the Easterly line of Lot #17,
34 except the Northerly 7 feet thereof;

35 7. The 15-foot sewer easement along the frontage of Lots #9, #10, #11, #12,
36 #13, and #14;

37 8. The 14-foot wide utility easement along the West line of Lot #14, except
38 the Southerly 15 feet and except the Northerly 35 feet thereof;

1 Also the vacation of the 15-foot wide storm drain easement as recorded
2 in Document #93-27169, except the Southerly 15 feet, thereof and except
3 the Northerly 35 feet thereof.

ALL INTERESTED PARTIES ARE INVITED TO APPEAR AND BE HEARD.

"REASONABLE ACCOMMODATIONS" FOR PERSONS WITH A KNOWN DISABLING CONDITION WILL BE CONSIDERED IN ACCORDANCE WITH THE STATE AND FEDERAL LAW. ANY PERSON NEEDING A "REASONABLE ACCOMMODATION" SHOULD NOTIFY PUBLIC INFORMATION OFFICE (219) 427-1120, TTY (219) 427-1200, AT LEAST SEVENTY-TWO (72) HOURS PRIOR TO THE MEETING.

SANDRA E. KENNEDY
CITY CLERK



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ROOM 122 • FORT WAYNE, INDIANA 46802 • 219-427-1221

SANDRA E. KENNEDY, CITY CLERK

November 29, 1995

Gene Keller & Sons, Inc.
7015 John Street
Fort Wayne, IN 46805

NOTICE OF PUBLIC HEARING ON BILL NO. G-95-10-05

You are hereby notified that the Common Council of Fort Wayne will conduct a public hearing on Tuesday, December 19, 1995, at 5:30 o'clock, in the Common Council Conference Room 128, 1st Floor, City-County Building, One Main Street, Fort Wayne, Indiana, on the following:

Easements are located within the Tamera
Gardens development

All interested persons are invited to appear and be heard. Any written material may be submitted to the Common Council prior to the hearing.

FORT WAYNE COMMON COUNCIL

Sandra E. Kennedy
City Clerk

FORT WAYNE COMMON COUNCIL
(Governmental Unit)To: The Journal-Gazette
P.O. Box 100
Fort Wayne, IN

ALLEN County, Indiana

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set)
-- number of equivalent lines

Head -- number of lines

Body -- number of lines

Tail -- number of lines

Total number of lines in notice

COMPUTATION OF CHARGES

31 lines, 1 columns wide equals 31 equivalent lines
at .33 cents per line

\$ 10.23

Additional charge for notices containing rule or tabular work
(50 percent of above amount)

Charge for extra proofs of publication (\$1.00 for each proof in excess of two)

\$ 1.00

TOTAL AMOUNT OF CLAIM

\$ 11.23

DATA FOR COMPUTING COST

Width of single column 12.5 ems

Number of insertions 1

Size of type 6 point

Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date: DEC 2, 1995

Title: Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana)

) ss:

Allen County)

Personally appeared before me, a notary public in and for said county and state, the undersigned JULIE L RCHYANS who, being duly sworn, says that he/she is Clerk of the The Journal-Gazette newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 1 time, the dates of publication being as follows:

12-2-95

Subscribed and sworn to before me this

20th day of DEC, 1995MARY L SCHNEIDER
Notary Public

My commission expires: NOTARY PUBLIC STATE OF INDIANA
ALLEN COUNTY
MY COMMISSION EXP. JUNE 14, 1997



FW COMMON COUNCIL

(Governmental Unit)

ALLEN

County, Indiana

To: _____

The News-Sentinel

Dr. _____

P.O. Box 100

Fort Wayne, IN

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set)
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 (50 percent of above amount) _____

Charge for extra proofs of publication (\$1.00 for each proof in excess of two) _____

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\$ 1.00

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Date: DEC 2, 1995

Title: _____

Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana)

) ss:

Allen County)

NOTICE OF PUBLIC HEARING
 FORT WAYNE COMMON COUNCIL
 (BILL NO. G-95-05-05)

NOTICE IS HEREBY GIVEN THAT THE FORT WAYNE COMMON COUNCIL, OF THE CITY OF FORT WAYNE, INDIANA, WILL CONDUCT A PUBLIC HEARING ON TUESDAY, DECEMBER 5, 1995 AT 6:30 P.M. IN THE CONFERENCE ROOM 128, CITY-COUNTY BUILDING, ONE MAIN STREET, FORT WAYNE, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

The eastern most five (5) feet of Springfield Avenue

All interested parties are invited to appear and be heard.

"Reasonable Accommodations" for persons with a known disabling condition will be considered in accordance with the state and federal law. Any person needing a "Reasonable Accommodation" should contact the City Clerk's Office (219) 427-1120, TTY (219) 427-1200, at least seventy-two (72) hours prior to the meeting.

Personally appeared before me, a notary public in and for said county and state, the undersigned JULIE L ROHYANS who, being duly sworn, says that he/she is Clerk of the The News-Sentinel newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 1 time _____, the dates of publication being as follows:

12-2-95

SANDRA E. KENNEDY
CITY CLERK
#988701

Subscribed and sworn to before me this 2nd day of DEC, 1995.

MARY L SCHNEIDER Notary Public

My commission expires: NOTARY PUBLIC STATE OF INDIANA
 ALLEN COUNTY
 MY COMMISSION EXP JUNE 14, 1997